

### **REMARKS**

Claims 1, 2 and 7-17 are now pending in the application. Claims 7, 8, 10 and 14 are currently amended so that they no longer depend upon withdrawn claims. Claims 3-6 have been withdrawn. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102 AND § 103**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Yamahira et al. (Japanese Pat. No. 08-162095). Claim 1s stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yamamoto et al. (Japanese Pat. No. 2001-106519). Claims 1 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Murai (Japanese Pat. No. 11-007943). Claims 1, 2 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Miyazawa (Japanese Pat. No. 2000-313609). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyazawa (Japanese Pat. No. 2000-313609). These rejections are respectfully traversed.

The applicants respectfully submit that the present inventions according to pending Claims 1, 2, 7-9 have respectively novelty/unobviousness as required over the cited references, thus may not be rejected under 35 USC 102(b) or 103(a). The reasons will be specified below.

#### **Claim 1**

JP 08-162095A (hereinafter "095") discloses a boron containing graphite in which boron is adhered to a plate of a graphite. See paragraph 0013 of the 095 document. On the other hand, the boronized graphite material of the present invention is formed by

substituting a part of graphite in a graphite crystal having a hexagonal network plate structure with boron. Thus, apparent difference exists between the structure of the boron containing graphite of 095 and that of Claim 1.

At the same time, the 095 reference discloses a boron containing graphite used for a conductive material, which has no relation to a charge/discharge reaction. Furthermore, 095 even teaches improvement in anti-acid characteristics while rejecting affect to a charge/discharge reaction through adherence of boron. On the other hand, boronized graphite material of Claim 1 has enabled carrying out a charge/discharge reaction (by intercalation), thus subject to oxidization/reduction.

Consequently, the boronized graphite material of Claim 1 can be completely distinguished from that of 095 reference, thus the invention of Claim 1 has novelty over 095.

JP 2001-106519A (hereinafter “519”) and JP 11-007943A (hereinafter “943”) disclose a negative electrode (The applicants respectfully submit the Examiner has erroneously referred to “positive electrode” regarding 519 and 943 references), which should be distinguished from the Claim 1 invention in its reaction mechanism, ions to be intercalated, and graphite intercalation composition. Thus those 519 and 943 references do not disclose or suggest the present invention.

#### Claims 2, 7-9

JP 2000-313609A (hereinafter “609”) discloses a graphite to be used for a negative electrode (Again, the applicants respectfully submit the Examiner has erroneously referred to “positive electrode” regarding 609 reference.) of a lithium secondary battery. 609 does not disclose or suggest a graphite used for a positive

electrode material. On the other hand, the graphite material of the present invention is for a positive electrode of a lithium secondary battery, not for a negative electrode thereof.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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